

Remarks

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended claims (or similar claims) in the future.

In the Office action dated 3/17/05, the Examiner withdrew Claims 84-86 and 91-93 from consideration. Thus, Claims 9, 12-18, 24-29, 36 and 87-89 are under consideration. The Examiner has indicated that Claims 9, 12-28 and 23 are allowable (Office Action, pg. 5). The Examiner rejected Claims 24-29 and 87-90 under 35 U.S.C. 112, first paragraph as allegedly lacking enablement (Office Action, pg. 2). The Examiner has not rejected Claim 36. The rejection of Claims 24-29 and 87-90 is discussed below.

I. The Claims are Enabled

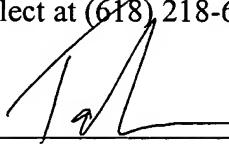
The Examiner rejected Claims 24-29 and 87-90 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking written enablement (Office Action, pg. 2). In particular, the Examiner states that "[t]he specification, while being enabling for a method for characterizing prostate cancer...does not reasonably provide enablement for a method of characterizing colon cancer...." (Office Action, pg. 2-3). The Applicants respectfully disagree and submit that the claims are enabled for the characterization of colon cancer. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claim 24 to be directed to characterizing prostate cancer, rather than prostate and colon cancer. As such, the applicants respectfully request that the rejection be withdrawn and the Claims be passed to allowance.

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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